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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,015	12/09/2003	Rolf Honegger	068754-0292	2778
22428	7590	05/17/2006	EXAMINER	
<b>FOLEY AND LARDNER LLP</b> SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				HALPERN, MARK
		ART UNIT		PAPER NUMBER
		1731		

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/730,015	HONEGGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Halpern	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 and 13-35 is/are pending in the application.
- 4a) Of the above claim(s) 13-25 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10, 26-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

- 1) Acknowledgement is made of Amendment received 4/4/2006. Claims 1, 3-6, 9, are amended, and new claims 27-35, are offered for consideration.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2) Claims 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 is not clear as to what sides are considered the opposite sides.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3) Claims 1-10, 26-35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewecke (DE 196 00 348) (inventor is not named; applicant is Lewecke Maschinenbau GmbH, translated copy) in view of Lisec (5,873,922).

Claims 1-7, 9, 26: Lewecke discloses shelving for sheets of different types, including glass sheets. The system includes shelving for storage of remainders, which are stored in vertical compartments for vertical storage of sheets and of a material sheet vehicle with a sheet reception for vertical in-and-out storage and for vertical or horizontal or tilted transportation of sheets to and from processing installation. The system includes extracting the sheets from the storage, cutting the sheets, loading the sheets on the sheet vehicle for transport to processing installation, and placing the remainders back into the storage. The cutting of sheets takes place while the sheets are supported by the storage or while the sheets are out of the storage. The storing of sheets in and out takes place in a computer-controlled manner in a predetermined sequence (pgs. 2-7, and Figures 1-7). Lewecke does not disclose the glass plate sheet being scribed before dividing the sheet. Liseec discloses a process for dividing glass wherein the glass is scribed by multiple notches: such as X-notches, Y-notches, W-notches, the notches extending in different directions. The sheet of Liseec is then transported to a third station where the sheet is divided without any further notching (col. 7-8, lines 1-10). It would have been obvious to the artisan that only the parts of sheets or whole sheets loaded for further processing be scribed since there is no need to scribe parts of sheets returned to storage. This reads on claimed severing and delivering of the glass sheet to a processing installation where the glass sheet is divided without further scribing. It would have been obvious to one skilled in the art at the time the invention was made, to combine the teachings of Lewecke and Liseec, because such

a combination would provide for maximum utilization of glass sheet utilizing minimum of space in the process of Lewecke as disclosed by Lisec (col. 1, line 49 to col. 2, line 12). Both, Lewecke and Lisec operations are computer controlled to obtain desired results and sequence of operations..

Claim 8: upon delivery of the sheets the glass sheets are mechanically re-positioned, as required in the process.

Claim 10: a glass may also be withdrawn from the storage and delivered to the processing stage without dividing the glass into portions.

Claims 27-33: it would have been obvious that the supporting and rest surfaces provide support for the glass sheets in a manner for ease of access and safe removal of glass sheets.

Claim 34: the scribibg and dividing of glass is disclosed by Lisec.

Claim 35: vacuum holding of glass is standard operation.

#### ***Response to Amendment***

- 4) Claims 1, 3-6, 9, objection is removed in view of amended claims.
- 5) Applicant's arguments filed 4/4/2006, have been fully considered but they are not persuasive.

Applicants allege that the cited references, Lewecke and Lisec, do not disclose the invention, the references do not disclose loading scribed glass sheets in a predetermined sequence and transporting the sheets to glass processing station where

it is divided into portions without further scribing, and wherein only the loading portion is completely scribed, the residual portion remains unscribed.

Examiner responds that Lewecke does not disclose the glass plate sheet being scribed before dividing the sheet. Liseec, however, discloses a process for dividing glass wherein the glass is scribed by multiple notches: such as X-notches, Y-notches, W-notches, the notches extending in different directions. The sheet of Liseec is then transported to a third station where the sheet is divided without any further notching. This reads on claimed severing and delivering of the glass sheet to a processing installation where the glass sheet is divided without further scribing. It would have been obvious to the artisan that only the parts of sheets or whole sheets loaded for further processing be scribed since there is no need to scribe parts of sheets returned to storage. It would have been obvious to combine the teachings of Lewecke and Liseec, because such a combination would provide for maximum utilization of glass sheet utilizing minimum of space in the process of Lewecke as disclosed by Liseec. Lewecke discloses the storing of sheets in and out takes place in a computer-controlled manner in a predetermined sequence.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Conclusion***

6) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Halpern  
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